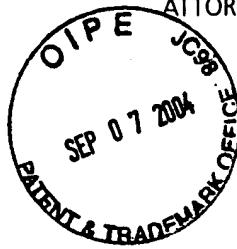




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September 7, 2004

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INTERNET ADDRESS:
SCHWARTZ@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1634

Re: U.S. Utility Patent Application
Application No. 09/829,066; Filed: April 10, 2001
For: **Method for Isolating and Recovering Target DNA or RNA Molecules Having a Desired Nucleotide Sequence**
Inventors: Nisson *et al.*
Our Ref: 0942.4800002/RWE/ALS

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Credit Card Payment Form PTO-2038;
2. Fee Transmittal (Form PTO/SB/17);
3. Second Supplemental Information Disclosure Statement;
4. Two (2) pages of Form PTO-1449 citing six (6) references;
5. A copy of the six (6) cited references; and
6. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
September 7, 2004
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Aaron L. Schwartz
Agent for Applicants
Registration No. 48,181

ALS/law
Enclosures
307706v1.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

Complete if Known

Application Number	09/829,066
Filing Date	April 10, 2001
First Named Inventor	Paul E. Nisson
Examiner Name	Lu, Frank Wei Min
Art Unit	1634
Attorney Docket No.	0942.4800002/RWE/ALS

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other** None

**Charge any deficiencies or credit any overpayments in Deposit Account: the fees to Deposit Acct. No. 19-0036.

Deposit Account Number **19-0036**
Deposit Account Name **Sterne, Kessler, Goldstein & Fox P.L.L.C.**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)		-0-	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	- 20 **=	X	=	Fee Paid
Independent Claims	- 3 **=	X	=	
Multiple Dependent				

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		-0-

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	180
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$)	180.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Aaron L. Schwartz	Registration No. (Attorney/Agent)	48,181	Telephone	(202) 371-2600
Signature				Date	September 7, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

NISSON *et al.*

Appl. No.: 09/829,066

Filed: April 10, 2001

For: **Method for Isolating and
Recovering Target DNA or RNA
Molecules Having a Desired
Nucleotide Sequence**

Confirmation No.: 1532

Art Unit: 1634

Examiner: Lu, Frank Wei Min

Atty. Docket: 0942.4800002/RWE/ALS

Second Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§1.56, 1.97 and 1.98. A copy of each of these documents is provided.

The numbering of this Second Supplemental Information Disclosure Statement is a continuation of Applicants' First Supplemental Information Disclosure Statement filed July 16, 2002, in connection with the above-captioned application.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates

should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Document AP1 is in the French language. Document AT16 is in the Russian language. These documents were cited in a Search Report dated July 6, 2004, issued by the European Patent Office in EP 98931513, which is the European counterpart of the above-captioned U.S. Patent Application. The requirement for a concise explanation of the relevance of AP1 and AT16 under 37 C.F.R. § 1.98(a)(3)(i) is satisfied by the submission herewith of the Supplementary Partial European Search Report (document AR17) in which the relevance of AP1 and AT16 is indicated. *See* M.P.E.P. § 609.III.A(3).

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our PTO-2038

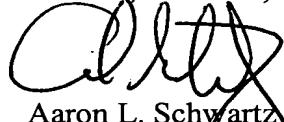
Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Aaron L. Schwartz
Agent for Applicants
Registration No. 48,181

Date: September 7, 2004

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

OCT 15 2004

SEP 07 2004



FORM PTO-1449

**SECOND SUPPLEMENTAL INFORMATION
STATEMENT**

ATTY. DOCKET NO.
0942.480002/RWE/ALSAPPLICATION NO.
09/829,066FIRST NAMED INVENTOR
NISSON *et al.*FILING DATE
April 10, 2001ART UNIT
1634**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
AA						
AB						
AC						
AD						
AE						
AF						
AG						
AH						
AI						
AJ						
AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
AL						Yes
AM						No
AN						Yes
AO						No
AP1	FR 2 733 515 A1	10/31/1996	France			X No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR				
AS				
AT	16	Smol'yaninova, T.I., <i>et al.</i> , "Model Studies of DNA-Protein Interactions. I. Effect of Aminocarboxylic and Amide Groups of Amino Acids on the Thermostability and Conformation of DNA," <i>Molekulyarnaya Biologiya</i> 19:992-1000, Maik Nauka/Interperiodica Publishing (1985)		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

292347v1

SEP 07 2004

FORM PTO-1449

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.
0942.4800002/RWE/ALSAPPLICATION NO.
09/829,066FIRST NAMED INVENTOR
NISSON *et al.*FILING DATE
April 10, 2001ART UNIT
1634**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
AA						
AB						
AC						
AD						
AE						
AF						
AG						
AH						
AI						
AJ						
AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
AL2	EP 0 773 225 A2 & A3	05/14/1997	Europe			Yes No
AM2	WO 95/09915	04/13/1995	WIPO			Yes No
AN2	WO 97/20918	06/12/1997	WIPO			Yes No
AO						Yes No
AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>17</u>	Supplementary Partial European Search Report, issued by the European Patent Office in European Patent Application No. 98931513, July 6, 2004
AS	<u>17</u>	
AT		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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